**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Environment, Forests, Science & Technology Department – Rules prescribing the qualifications to the Chairman, Member Secretary and Members of the Andhra Pradesh Pollution Control Board (APPCB) - Notification – Orders – Issued.

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**ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (SEC.I) DEPARTMENT**

**G.O.MS.No. 24** **Dated: 30-04-2021.**
**Read the following: -**

1. Orders of the Hon'ble National Green Tribunal, Principal Bench, New Delhi in O.A. No. 318 of 2013, dated. 24.08.2016.
2. Orders of the Hon'ble Supreme Court of India in C.A.No. 4936/2017, dated. 22.09.2017.
3. Andhra Pradesh Pollution Control Board, Letter No.1/APPCB/CA No. 4936 of 2017/Legal/2017, dated. 30.01.2021.

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**ORDER:**

The Hon'ble Supreme Court of India in its orders second read above, while setting aside the orders of the Hon'ble National Green Tribunal (NGT) in the reference first read above, have issued certain guidelines to the States and Union Territories in respect of qualifications of the Chairman, Member Secretary and Members of the State Pollution Control Board, as follows:

> *"Keeping the above in mind, we are of the view that it would be appropriate, while setting aside the judgment and order of the NGT, to direct the Executive in all the States to frame appropriate guidelines or recruitment rules within six months, considering the institutional requirements of the SPCBs and the law laid down by statute, by this Court and as per the reports of various committees and authorities and ensure that suitable professionals and experts are appointed to the SPCBs. Any damage to the environment could be permanent and irreversible or at least long-lasting. Unless corrective measures are taken at the earliest, the State Governments should not be surprised if petitions are filed against the State for the issuance of a writ of quo warranto in respect of the appointment of the Chairperson and members of the SPCBs. We make it clear that it is left open to public spirited individuals to move the appropriate High Court for the issuance of a writ quo warranto if any person who does not meet the statutory or constitutional requirements is appointed as a Chairperson or a member of any SPCB or is presently continuing as such."*

2. The Apex Court has also directed the State Governments to frame appropriate guidelines or recruitment rules within a period of six (6) months from the date of pronouncement of the orders. Accordingly, the Member Secretary, Andhra Pradesh Pollution Control Board has submitted draft rules in respect of the Chairman, Member Secretary and Members of the Andhra Pradesh Pollution Control Board (APPCB), Vijayawada.

3. Government after careful consideration of the proposal of the Member Secretary, Andhra Pradesh Pollution Control Board (APPCB), Vijayawada, have decided to issue the rules prescribing qualifications and other terms and conditions of service to the Chairman, Member Secretary and Members of the Board.

**(PTO)**

4. Accordingly, the following Notification will be published in the extraordinary issue of the Andhra Pradesh Gazette, dated: 30.04.2021.

## NOTIFICATION

In exercise of the powers conferred by clauses (a) and (e) of sub-section (2) of section 64 of the Water (Prevention and Control of Pollution) Act, 1974, (Act No.6 of 1974) read with sub-section (2) of section 4 of the said Act, the State Government hereby makes the following Rules regulating the qualifications and other terms and conditions of service of the Chairman, Member Secretary and Members in the Andhra Pradesh Pollution Control Board, namely: -

1. Short title and commencement:-

1. These rules may be called the Andhra Pradesh Pollution Control Board (Qualifications and other terms and conditions of service of Chairman, Member Secretary and other Members) Rules, 2021.

2. They shall come into force on the date of publication in the Official Gazette.

2. Definitions:-

In these Rules, unless the context otherwise requires, -

(a) “Act” means the Water (Prevention and Control of Pollution) Act, 1974 (Act No.6 of 1974);

(b) “Andhra Pradesh Pollution Control Board” means the Andhra Pradesh Pollution Control Board constituted under section 4 of the Act;

(c) “Chairman” means the Chairman of the Andhra Pradesh Pollution Control Board;

(d) “Member Secretary” means the Member Secretary of the Andhra Pradesh Pollution Control Board;

(e) “Member” means a Member of the Board and includes the Chairman thereof.

3. Education and other qualifications:-

(a) Chairman: A person having special knowledge or practical experience in respect of matters relating to environmental protection, or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government.

Provided that the Chairman may be either whole-time or part-time as the State Government may think fit.

(b) Member Secretary: A full-time Member Secretary, possessing qualifications, knowledge and experience of Scientific, Engineering or Management aspects of Pollution Control, to be appointed by the State Government.

4. Nomination of Chairman and Members, and appointment of Member Secretary of the Board:-

(a) Chairman: The State Government shall nominate the Chairman possessing qualifications and experience as mentioned above.

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(b) Member Secretary: The State Government shall appoint the Member Secretary of the Board.

(c) Members of the Board : The Members of the Board shall be nominated by the State Government within the prescribed limit and the numbers stated in the Act as follows: -

(i) Such number of Officials, not exceeding five (5), to be nominated by the State Government to represent the State Government.

(ii) Such number of persons, not exceeding five (5), to be nominated by the State Government from amongst the Members of Local Authorities functioning within the State.

(iii) Such number of non-officials, not exceeding three (3), to be nominated by the State Government to represent the interest of Agriculture, Fishery or Industry or Trade or Labour or any other interests which, in the opinion of the State Government, ought to be Represented.

(iv) Two persons to represent the companies or corporations owned, controlled or managed by the State Government, to be nominated by the State Government.

Provided that the State Government shall ensure not less than two of the members are persons having special knowledge or practical experience in respect of matters relating to the improvement of the quality of air or the prevention, control or abatement of air pollution.

5. Terms and conditions of Service of Members:-

(a) A Member of the Board, other than the Member Secretary, shall hold office for a term of three (3) years from the date on which his / her nomination is notified in the Official Gazette.

Provided that a Member shall, notwithstanding the expiration of his / her term, continue to hold office until his / her successor enters upon his / her office.

(b) The term of office of a Member of a Board nominated under clause (i) or clause (ii) or clause (iv) of sub-rule (c) of Rule 4 shall come to an end as soon as he / she ceases to hold office under the State Government or local authority or the Company or Corporation owned, controlled or managed by the State Government, by virtue of which he / she was nominated.

(c) The term of office of a Member of a Board nominated under clause (iii) of sub-rule (c) of Rule 4 shall come to an end as soon as the term of the Board ends.

(d) The State Government may, if it thinks fit, remove any Member of the Board before the expiry of his / her term of Office, after giving him / her a reasonable opportunity of showing cause against the same.

(e) A member of the Board, other than the Member Secretary, may at any time resign his office by writing under his / her hand addressed –

(i) In case of the Chairman, to the State Government; and

(ii) In any other case, to the Chairman of the Board, and the seat of the Chairman or such other Member shall thereupon become vacant.

**(PTO)**

(f) A Member of the Board, other than the Member Secretary, shall be deemed to have vacated his / her seat if he / she is absent without reason, sufficient in the opinion of the Board, from three consecutive meetings of the Board or where he / she is nominated under Clause (ii) or Clause (iv) of Sub-rule (c) of Rule 4, if he / she ceases to be a Member of the State Board or of the local authority or, of the company or corporation owned, controlled or managed by the State Government and such vacation of seat shall, in either case, take effect from such date as the State Government may, by notification in the Official Gazette, specify.

(g) A casual vacancy in the Board shall be filled up by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he / she was nominated.

(h) A Member of the Board shall be eligible for re-nomination.

6. Disqualifications:-

(a) No person shall be a Member of the Board constituted under this Act, who –

(i) is, or at any time has been, adjudged insolvent, or

(ii) is of unsound mind and has been so declared by a competent court, or

(iii) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(iv) is, or at any time has been, convicted of an offence under this Act, or

(v) has directly or indirectly by himself / herself or by any partner, any share of interest in any firm or company carrying on the business of manufacture, sale or hire of machinery, industrial plant, control equipment or any other apparatus for the improvement of the quality of air or for the prevention, control or abatement of air pollution, or

(vi) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the State Government constituting the Board, or with a local authority in the State or with a company or corporation owned, controlled or managed by the Government, for the carrying out of programmes for the improvement of the quality of air or for the prevention, control or abatement of air pollution; or

(vii) has so abused, in the opinion of the State Government, his / her position as a member, as to render his / her continuance on the State Board detrimental to the interests of the general public.

(b) The State Government shall, by order in writing, remove any member who is, or has become, subject to any disqualification mentioned in sub-rule.

Provided that no order of removal shall be made by the State Government under this section unless the member concerned has been given a reasonable opportunity of showing cause against the same.

(c) Notwithstanding anything contained in sub-rule (a) or sub-rule ( h) of rule 5, a member who has been removed under this Rule shall not be eligible to continue to hold office until his / her successor enters upon his / her office, or, as the case may be, for re-nomination as a member.

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7. Vacation of seats by Members:-

If a member of the Board becomes, subject to any of the disqualifications specified in rule 6, his / her seat shall become vacant.

8. Meetings of the Board:-

(a) for the purposes of this rule, Board shall meet at least once in every three months and shall observe such Rules of procedure in regard to the transaction of business at its meetings.

Provided that if, in the opinion of the Chairman, any business of an urgent nature is to be transacted, he / she may convene a meeting of the Board at such time as he / she thinks fit for the aforesaid purpose.

(b) Copies of the minutes of the meetings of the Board shall be forwarded to the State Government.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**VIJAY KUMAR G.Srkr**
**SECRETARY TO GOVERNMENT**

To
1. The Chairman, A,P, Pollution Control Board, Vijayawada,
2. The Member Secretary, A,P, Pollution Control Board, Vijayawada,
3. The Commissioner, Printing Stationary & Stores Purchase, Vijayawada
(with a request to publish the Notification in Andhra Pradesh Extraordinary Gazette and supply 50 copies of the same Gazette).

Copy to:-
1. All Departments of A.P. Secretariat.
2. All Heads of Departments, Government of Andhra Pradesh.
3. All the District Collectors in the State.
4. The Joint Secretary, Government of India, Ministry of Environment and Forests & Climate Change, 3rd Floor, Indira Paryavaran Bhavan, Jor Bagh, New Delhi – 110003.
5. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, New Delhi-110032.
6. The PS to Additional Secretary to CM.
7. The PS to Minister (E,EFS&T).
8. The PS to Chief Secretary to Government.
9. The PS to Secretary, EFS&T Department.
10. SF/SC (Computer No. 1314355).

**// FORWARDED::BY ORDER //**

**SECTION OFFICER**